

REMARKS

Claims 1-15 are pending in the case. Applicant has amended the specification and claims 4 and 15. Claim 4 has been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 15 has been rewritten in independent form incorporating limitations of claims 1 and 14 without being contradictory. Support for claim 4 can be found at lines 8-11 on page 9 in the specification as originally filed. No new matter has been introduced.

Applicant requests favorable reconsideration of the subject application in view of the following remarks:

Drawings

The drawing was objected to as omitting a claimed feature, the gas generator in the housing as set forth in claim 12. Applicant has previously submitted Figure 9 which shows the omitted feature. However, the Examiner's Action rejected Figure 9 as it "would result in new matter" and reiterated the objection to the drawing.

In response, Applicant has amended the specification to clarify that Figure 9 is "a schematic showing" of the generator in the housing as suggested in the Examiner's Action. Accordingly, Applicant respectfully requests the approval and entry of Figure 9 submitted on February 26, 2004 and withdrawal of the objection.

Claim Rejections - 35 USC §112

Claims 4 and 15 were rejected under 35 U.S. C. §112, second paragraph, as being indefinite. The Examiner's Action also stated that claim 15 contradicted claim 14 and claims 4 and 15 contradicted claim 1.

In response, Applicant has amended claim 4 to recite a concertina side wall instead of a concertina-style side wall. As to the alleged claim contradictions, Applicant submits that claims 4 and 15 satisfy the definiteness requirement of 35 U.S.C. §112, second paragraph.

The Court has established that the 112 indefiniteness rejection "requires a determination of whether those skilled in the art would understand what is claimed when the claim is read in the light of the specification." Orthokinetic v. Safety Travel Chairs, 806 F.2d 1565, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). Applicant respectfully submits that claims 4 and 15, as amended, when read in the light of the specification, clearly convey to those skilled in the art what is claimed.

Claim 15, as amended, recites a deformable peripheral region of a substantially rigid base. Applicant does not see any contradiction in a substantially rigid base having a deformable peripheral region. Because being substantially rigid, the base may still have a deformable peripheral region. Thus, Applicant requests the Examiner withdraw the rejection.

Furthermore, Applicant notes that claim 4 depends on claim 3, not claim 1. Thus, the rejection of claim 4 based on the contradiction between claim 4 and claim 1 does not exist so that this rejection should be withdrawn.

Finally, as to the Examiner's statement that claim 15 contradicted claim 1, Applicant has rewritten and amended claim 15 to be independent form with no reference being made to separation of the cover from the base. Applicant submits that the amended claim 15 presents no contradiction and requests the withdrawal of the rejection.

Claim Rejections - 35 USC §102

Claims 1, 5, and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by Kowalski, U.S. Patent No. 6,158,766 (Kowalski reference).

In response, Applicant submits herewith a revised Declaration Under 37 C.F.R. 1.131 (Declaration) by the sole inventor, Pontus Söderström, with supporting documentary evidence, to antedate the Kowalski reference.

The Declaration establishes that the date of invention for the subject application is prior to the effective U.S. filing date of the Kowalski reference, February 26, 1999. The conception of the invention occurred prior to February 26, 1999, and the inventor had exercised due diligence from a time prior to February 26, 1999 until June 18, 1999, the date of constructive reduction to practice, when the British priority application of the subject application was filed.

The Declaration also states that the inventive acts upon which the subject application was based occurred in the United States. (Applicant has filed a Petition for Retroactive Foreign Filing License to cure the defect of first filing in the United Kingdom.) Accordingly, Applicant respectfully submits that all the requirements for antedating the Kowalski reference have been satisfied and the Kowalski reference is not a legally available reference with respect to the subject application. Thus, the rejections based on the Kowalski reference should be withdrawn.

Claim Rejections - 35 USC §103

Claims 2 and 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference; claim 3 was rejected under 35 U.S.C. §103(a) as being

unpatentable over the Kowalski reference in view of German Published Application 19727598; claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of the German publication and UK Patent 2,272,670; claims 6-9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of Haland et al.; claims 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Kowalski reference in view of Boydston et al.

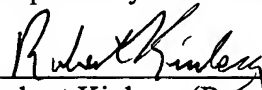
As discussed, *supra*, Applicant has provided the Declaration to antedate the Kowalski reference. Thus, Applicant requests that the rejections based on the Kowalski reference in combination with the other references must be withdrawn, as the Kowalski reference is no longer a legally available reference against the subject application.

In view of the above, all objections and rejections have been overcome and claims 1-15, as amended, are in condition for allowance, early notice of which is requested. Should the case not pass for issuance, the Examiner is requested to contact Applicant's attorney to resolve the issue.

No fee is believed to be due. Should any fee be required, please charge same to Deposit Account No. 22-0261 and notify Applicant's attorney.

Respectfully submitted,

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